



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
EUROPEAN REGION DIRECTOR
UNIT 29353, BOX 200
APO AE 09014

SFIM-EU-MWR

SEP 15 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Volksfests and Special Events

1. References.

a. Army Regulation 215-1, Morale, Welfare, and Recreation Nonappropriated Fund Instrumentalities and Morale, Welfare, and Recreation (MWR) Activities, dated 15 October 1998.

b. NATO Status of Forces Agreement (SOFA), Revised Supplementary Agreement (SA), effective 29 March 1998.

c. AE Regulation 550-175 (tri-service), U.S. Forces Customs Controls in Germany, dated 24 January 2003.

2. Purpose. To support Commander's Quality of Life (QOL) Programs and German-American Friendship activities, foster good Host Nation community relations, and to provide a unique cultural experience for soldiers and families stationed in Europe.

3. General Guidance. Except where specifically mentioned, in paragraph 8, this document focuses on ASG and BSB MWR operations within Germany.

a. Volksfests and special events promote friendship and enhance relations. They are operated or sponsored by U.S. Forces MWR programs, open to the general public, and conducted on US Forces installations. IAW AE Regulation 550-175, Installation commanders within Germany must obtain advance fest approval from German Customs authorities, via coordination with 560th MP Company Customs Offices.

b. Volksfests may include musical entertainment performed by host nation or foreign bands or musical groups with DJs. Performers who import their recordings or CDs into Germany do not qualify for tax relief (Mehrwertsteuer) or relief of the import turnover tax (Einfuhrumsatzsteuer).

c. Access to AAFES food facilities, MWR concessionaire-operated restaurants or other facilities of the U.S. Forces is limited to US Forces ID card holders, their family members, and their personally invited guests.

4. Volksfests on installations in Germany that are open to the public. Before proceeding with requests for advance approval from German Customs authorities, via coordination with 560th MP Company Customs Offices, Commanders should note the following:

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a. Volksfest vendors (*Schausteller*) must be in possession of German trade licenses (*Gewerbeschein and/or Reisegewerbekarte*) and a German tax number (*Steuernummer*) before the US Forces may provide a contract to the vendor for:

(1) Selling taxed food and beverages for immediate consumption on the premises;

(2) Providing volksfest activities (such as major rides, pony rides, train, rocket type rides, Merry Go-Round, etc.); to operate candy booths and typical fest game booths

(3) Selling taxed volksfest type items such as T-shirts, hats, toys, German novelties, and costume jewelry (*Modeschmuck*). The sales price of these items may not exceed €50 per individual item, with the 16% Value-Added Tax (*Mehrwertsteuer*) included.

b. Contracts with volksfest vendors must comply with military regulations and with German customs, tax and trade laws, and must be specifically tailored to the event.

c. Volksfest vendors may not procure tax- and duty-free food and beverages (to include alcoholic beverages) or any other items from MWR and/or AAFES/Commissary facilities.

d. Contracts with volksfest vendors may permit the vendor to sub-contract with other commercial vendors to sell volksfest typical items and/or provide volksfest typical activities, and allow the vendor to charge the sub-contractor on a reimbursement basis for actual costs incurred (*Entschädigungsaufwand*). On the contrary, contracts with volksfest vendors shall prevent the vendor from collecting "space fees" (*Standgeld*) from the sub-contractor.

e. Commanders may not permit the sale of computers, encyclopedia books, paintings, highly priced merchandise, and high value jewelry at volksfests.

f. Commanders may not permit volksfest vendors or any musical groups to collect entrance fees to the volksfest, or to special entertainment performances within the volksfest.

g. Commanders may permit NATO SOFA SA Article 71 status Private Organizations (POs), (USO, American Red Cross, Spouses Clubs) to participate in volksfests and special events, for the purpose of selling tax- and duty-free food and beverages to all volksfest customers, for immediate consumption on the premises, providing that the POs use revenue from this event to support soldiers' programs. These SOFA status organizations do not pay any duties or taxes to German Customs on revenue generated during volksfests or special events.

h. Commanders may not permit POs without NATO SOFA SA Article 71 status (German "e.V." and/or U.S. POs) to sponsor, co-sponsor, contract, sub-contract, or conduct volksfests or special events that are open to the general public. In addition, commanders may not authorize

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POs without NATO SOFA SA Article 71 status to sell self-supplied taxed or non-taxed items at volksfests and special events.

i. Commanders may authorize MWR to pay reasonable compensation to PO volunteers for operating MWR booth(s) and selling MWR-supplied food and beverages. However, total profits must go to MWR, to be used for soldiers' funds and programs. A template for agreements between MWR and the PO volunteers is enclosed as Appendix A.

j. Commanders may not authorize the sale of tax-free and/or duty-free tobacco items during volksfests and special events. A sample listing of items that may be sold at fests and special events is enclosed as Appendix B.

k. U.S. Unique Products.

(1) US Forces' sponsoring agencies (MWR, ASG/BSB etc.) of volksfests may sell tax-free and duty-free U.S. unique products that are not available on the German economy and having a resale value of less than €20 (for example a US coin with a special engraving). The selling price of each item may not exceed \$20. MWR shall direct the revenue generated from these sales toward programs and funds that support soldiers. This exception does not include the sale of "Beanie Babies", collector cards, jewelry, and highly priced merchandise.

(2) Working via the Host Nation Customs Policy Branch, OPM, HQ USAREUR, volksfest organizers must obtain German Federal Ministry of Finance (FMoF) concurrence before purchasing and/or ordering any U.S. unique type product. Volksfest organizers should include information that fully describes the merchandise, selling price, and planned date of sale, in their initial request to conduct the overall event.

(3) In the event that the U.S. unique product becomes available in the German commercial market before the fest opens and FMoF approval is on hand, fest organizers may still conduct that sale as planned; the Host Nation Customs Policy Branch will notify fest organizers via email of the FMoF approval.

l. Commanders may authorize selling tax-free and duty-free American beer at volksfests and special events. On the contrary, Commanders may not authorize the selling of German (taxed or tax-free) beer by MWR or any U.S. Forces' organization at a volksfest or special event.

m. For volksfests and special events, commanders must post customer advisories, as enclosed in Appendix C, in visible locations on or near booths that sell meat products.

5. Special Events on IMA-E installations in Germany that are open to the public.

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a. Examples of “special events” include rodeos, “Western Days”, Halloween “Balls”, car shows, raft races, and similar events that are sponsored by U.S. Forces organizations, operated on U.S. Forces installations, open to the general public, and conducted in the spirit fostering good relations and German-American friendship.

b. Commanders may not combine special events with volksfests, for example a rodeo and a volksfest may not take place at the same time and on the same installation.

c. Commanders may authorize contracts with commercial vendors to sell taxed food and beverages, event-related merchandise such as western apparel (hats, belts, buckles, shirts, etc.); and to provide entertainment rides and game booths during special events sponsored by U.S. Forces organizations on U.S. Forces installations. The vendor must possess a German trade license (*Gewerbeschein and/or Reisegewerbekarte*) and a German tax number (*Steuernummer*) before being eligible to bid on such a contract. MWR and/or AAFES may not directly provide these special event services. However, MWR may oversee the operation of the contract for these services. A sample of contract requirements for rodeos is enclosed as Appendix D.

d. Commanders may authorize contracts that allow commercial rodeo vendors to install and operate a Western style rodeo event on U.S. Forces installations. On a case-by case basis, the FMoF may support requests to collect entrance fees for rodeo events in order to cover the expenses of the commercial rodeo vendor, providing that MWR and/or the U.S. Forces’ sponsoring agency do not receive any percentage of the entrance fees collected by the rodeo vendor and their employees. In this case, the vendor must report this income/profit to the German Revenue Office (Finanzamt). Selling prices for Western apparel at these events may not exceed € 200, per specific item, including German value-added tax (*Mehrwertsteuer*).

e. Commercial vendors do not qualify for German tax relief, and are not authorized to procure any merchandise from MWR warehouses and AAFES/Commissary facilities. Further, they are not authorized to use U.S. Government vehicles, and may not use tax-free / duty-free gasoline for supporting their contractual obligations.

f. Commanders may authorize U.S. Forces NATO SOFA SA Article 71 status POs to sell tax-free / duty-free food and beverages. The POs must use the revenue generated from these events to support soldiers’ programs. NATO SOFA SA Article 71 status POs shall not pay any taxes/duties to German Customs authorities on the revenue generated during these events.

g. Commanders may authorize POs without NATO SOFA SA Article 71 status to provide volunteer labor, and receive reasonable compensation, for operating MWR booths at special events, and selling MWR supplied tax-free / duty-free food and beverages, on behalf of MWR and/or the sponsoring agency/organization. All goods sold must be for immediate consumption

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on the premises, under the provision that all revenue generated goes to MWR and/or soldiers' funds and programs.

h. Commanders may not authorize POs without NATO SOFA SA Article 71 status to sell their own merchandise to the general public, and the booths should not reflect the organizations' name or mission. There is no prohibition with regard to volunteer labor receiving reasonable payment for providing their workforce to operate MWR food booths.

6. Procedures and Timelines for volksfests and special events on IMA-E installations in Germany that are open to the public.

a. ASG commanders serve as initiating authority for requests to conduct these events.

(1) A template application is enclosed at Appendix E.

(2) Time Line.

(a) Volksfests - Commanders shall forward requests, via Email, to the reviewing authority no later than 120 calendar days before the planned opening of the volksfest.

(b) Special events - Commanders shall forward requests, via Email, to both the reviewing authority, and USAREUR PM/CG USAREUR Customs Executive Agent, ATTN: Host Nation Customs Policy Branch, no later than 120 calendar days before the planned opening of the special event.

(3) Requests should include specifics on. U.S. Forces' sponsored volksfests and special events may include competitive games, lotteries, raffles, or drawings with tax- and duty-free prizes. Initiators will include examples of Memorandums of Agreement and/or Concessionaire Agreements.

(4) After receiving approval, the BSB/ASG hosting the event may use US Forces procedures to finalize all contracts associated with the event.

b. IMA-E MWR serves as the reviewing authority. This office reviews requests for compliance with this guidance, provides assistance and recommendations for requests that are not in compliance, and forwards complete requests. In addition, IMA-E MWR will coordinate with ASGs within Germany toward compiling a master list of volksfests and special events for schedule coordination and advance notification to the German FMoF.

c. USAREUR PM/CG USAREUR Customs Executive Agent, ATTN: Customs Executive Agency, serves as the central point of contact for volksfest approvals worked between 560th MP

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Customs LN personnel and German Customs Offices. Requests must be logged in at the German Customs Office 75 days before the volksfest is to start.

d. The FMoF is the approving authority for special events, and subordinate German Customs Offices are the approving authority for volksfests.

7. Fests Sponsored by German Communities.

a. The FMoF may approve the participation of U.S. Forces organizations, unit or agencies at events or volksfests sponsored by German communities to sell typical U.S. tax- and duty-free food and beverages (for example American ice cream) as well as a unique type U.S. product not available in the German economy (see para 4k above)."

b. The criteria for FMoF approval requires a written invitation from the sponsoring German community (City Administration, Lord Mayor or Mayor) to the U.S. Forces' organization.

c. Requests for approval must be submitted 60 calendar days before the event takes place. Please forward requests directly to USAREUR PM/CG USAREUR Customs Executive Agent, ATTN: Host Nation Customs Policy Branch, for coordination with, and approval by, the FMoF. Please include a copy of the invitation by the German Community with the request.


8. Fests and special events in European nations other than Germany.

a. Commander, 22d ASG is the approving authority for MWR type Volksfests and Special Contracted Events in Italy. The 22nd ASG staff will coordinate appropriately with USNAVEUR and Host Nation authorities.

b. Commander, 80th ASG is the approving authority for MWR type Volksfests and Special Contracted Events in Belgium and The Netherlands. The 80th ASG staff will coordinate as appropriate with Northern Law Center and Host Nation officials in Belgium and The Netherlands.

9. IMA-E POC is Mr. John Allred, DSN 379-6504, Email: john.allred@ima-e.army.mil. USAREUR PM/CG USAREUR CEA, HN Customs Policy Branch POC is Ms. Rula Strumpen, DSN 381-8141/7354, Email: rula.strumpen@manupo.pmo.army.mil

5 Encls


RUSSELL B. HALL
Director

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DISTRIBUTION:

COMMANDER,

6TH ASG (STUTTGART), ATTN: DCA, UNIT 30401, APO AE 09107

22ND ASG (VICENZA), ATTN: DCA, UNIT 31401, APO AE 09630

26TH ASG (HEIDELBERG), ATTN: DCA, UNIT 29237, APO AE 09102

80TH ASG (CHIEVRES), ATTN: DCA, CMR 451, ATTN: DCA, APO AE 09708

98TH ASG (WUERZBURG), ATTN: DCA, UNIT 26622, APO AE 09244

100TH ASG (GRAFENWOEHR), ATTN: DCA, UNIT 28130, APO AE 09114

104TH ASG (HANAU), ATTN: DCA, UNIT 20195, APO AE 09165

221ST BSB (WIESBADEN), ATTN: DCA, UNIT 29623, APO AE 09096

222ND BSB (BAUMHOLDER), ATTN: DCA, UNIT 23746, APO AE 09034

233RD BSB (DARMSTADT), ATTN: DCA, CMR 470, APO AE 09175

235TH BSB (ANSBACH), ATTN: DCA, UNIT 28614, APO AE 09177

254TH BSB (SCHINNEN), ATTN: DCA, UNIT 21602, APO AE 09703

279TH BSB (BAMBERG), ATTN: DCA, UNIT 27535, APO AE 09139

280TH BSB (SCHWEINFURT), ATTN: DCA, CMR 457, APO AE 09033

282ND BSB (HOHENFELS), ATTN: DCA, UNIT 28216, APO AE 09173

284TH BSB (GIESSEN), ATTN: DCA, UNIT 20911, APO AE 09169

293RD BSB (MANNHEIM), ATTN: DCA, UNIT 29901, APO AE 09086

409TH BSB (GRAF-VILSECK), ATTN: DCA, CMR 415, APO AE 09112

411TH BSB (HEIDELBERG), ATTN: DCA, UNIT 29245, APO AE 09102

414TH BSB (HANAU), ATTN: DCA, UNIT 20193, APO AE 09165

415TH BSB (KAISERSLAUTERN), ATTN: DCA, UNIT 23152, APO AE 09227

417TH BSB (KITZINGEN), ATTN: DCA, UNIT 26137, APO AE 09031

CG, USAREUR, ATTN: AEAGX-IA

CG, USAREUR, ATTN: AEAPR

CG, USAREUR, ATTN: AEAJA

CG, USAREUR, ATTN: AEAPM(CEA)

CG, USAREUR, ATTN: AEAPM-NS

CG, USAREUR, ATTN: AEAPM-CEA

CG, USAREUR, ATTN: AEAIG